

**MINUTES OF THE ZONING BOARD PUBLIC  
HEARING AND REGULAR MEETING, HELD  
MONDAY, DECEMBER 2, 2013, 7:00 P.M.,  
4<sup>TH</sup> FLOOR, CAFETERIA, GOVERNMENT CENTER  
BUILDING, 888 WASHINGTON BLVD,  
STAMFORD, CONNECTICUT 06901**

Present for the Board: Thomas Mills, Bill Morris, Barry Michelson, Rosanne McManus and Joanna Gwozdzowski. Present for staff: David Killeen, Associate Planner

**PUBLIC HEARING**

Chairman Mills called the meeting to order at 7:12 p.m.

1. **Application 213-32 – Zoning Map Amendment – 110 LENOX, LLC**, to rezone approximately 10,525 s.f. of land currently zoned RM-1 (Multi-Family, Low Density Design District) to M-G (General Industrial District).

Mr. Mills read the description of the Application into the record. Attorney Hennessey submitted the Certificate of Notification into the record. Mr. Michelson noted that the Planning Board recommendation didn't match the application. Mr. Michelson requested Staff get a corrected letter from the Planning Board. Mr. Killeen read emails from the neighbors into the record.

Attorney William Hennessey, Sandak, Hennessey & Greco, for the Applicant, provided a historical overview of the property. During rezoning in the 1980's, the Board of Reps overturned zoning on certain properties through the appeal process.

Mr. Michelson asked for clarification of what was being sought initially, prior to 1984 and how old the building is in Part A. Attorney Hennessey said the use of this 1.1 acre property is grandfathered and the Applicant is more interested in a zone change that will allow the building to be renovated but there currently are no plans for the building; it's really a housekeeping exercise in regard to zoning. The Applicant is looking for zoning to consistently encompass the entire existing buildings. Attorney Hennessey expressed they still need to do research on the map filed on the land records and requested a continuation.

Mr. Mills asked for any comment from the Public.

Michael Munnely, 37 Lenox present tonight on a fact finding mission and asked about the current zoning for the existing building; what zone was granted in 1969 and then in 1984. He expressed disapproval of the zoning on this parcel and noted there is only one means of egress. He has concern about land use controls, told of Stamford Tent problems and requested the Applicant tell neighbors exactly what is proposed for this site .

Susan Baldwin, 22 Lenox Avenue had concerns about the unsightly buildings and uncertainty of what's planned at this site.

Susan Munnelly asked where buffer zones come in and expressed concern about major power lines needed to expand future business uses. Mr. Michelson encouraged the public present to participate in the Master Plan hearing process currently underway where they are having neighborhood meetings for input.

Meghan Slocum, 74 Lenox asked for clarification for the zone change approval process. Mr. Killeen responded. Ms. Slocum asked what zone do they want the building to be? Mr. Killeen responded M-G.

Gary Gepner, 22 Lenox Avenue asked why would residents support an industrial zone change?

Beverly Foster, 100 Lenox Avenue which abuts property in question and she expressed concern about traffic, noise at all hours, impacts on residents of the neighborhood.

Michael Munnelly, 37 Lenox, asked if this will be the only hearing on this parcel? Mr. Mills said the public will have additional time to speak on this subject. Mr. Munnelly said he believes anything goes in the M-G zone; Mr. Killeen responded. Mr. Mills asked about problems with Stamford Tent and whether they actually agreed to, and were approved for, a variance which included a buffer zone and maintenance agreement. Mr. Killeen agreed to gather information on what was approved from the ZBA approval.

Mr. Mills asked the Applicant to respond to these comments. Attorney Hennessey said this is what happens when you have an industrial zone abutting a residential neighborhood. His client is not Stamford Tent and they are not aware of what plans CL&P has for this parcel. This application is only a zone change; not a use change.

Mr. Mills continued the Public Hearing on this application to January 6, 2014 at 7:00pm on the 4<sup>th</sup> floor of the Government Center to allow the Applicant time to respond to neighbors and gather appropriate zoning information.

Mr. Mills called a recess at 8:25pm and reconvened the meeting at 8:35pm.

2. **Application 213-33 – Zoning Map Amendment – RICHARD REDNISS, Saddle Rock Road**, to rezone approximately 8.35 acres from R-20 to RA-1 located on Saddle Rock Road in a coastal flood area in Block No. 25.

Mr. Mills read the description of the Application into the record. Mr. Michelson read the correspondence from the Planning Board.

Richard Redniss, for the Applicant gave an overview of each of the seven properties included in the zone change. He presented an aerial of the properties and explained the flood contours and relevant elevations.

Mr. Michelson asked how large the lots are. Mr. Redniss discussed each parcel and noted that two properties would become nonconforming but doesn't change what you can do with your

property. Mr. Michelson asked about presenting an application to the ZBA. Mr. Redniss explained why that wouldn't be necessary.

Mr. Redniss explained how Storm Sandy impacted some of the parcels and that is why they are requesting the zone change because of the height restriction in this zone and this application would allow them up to 5 additional feet in height. He presented examples of site plans with pre-existing conditions, along with proposed conditions in R-20 and RA-1.

Mr. Mills asked for any comment from the Public.

Karen Murphy, 68 Saddle Rock, opposes the project and submitted an exhibit. She said we need to understand where the water is going and is concerned about drainage. Much masonry work is proposed which will distribute water differently. She said neighbors didn't realize there's a hidden agenda of going to 35' in height because the reason the Applicant gave for the zone change was to create less density. She claims this is a spot zoning applicant. She asked why the Staff report doesn't consider drainage. She said the application states no purpose or intent and there's no basis for the application. She will submit a petition of neighbors opposed to this project at the meeting continuation.

Steven Chrust, 107 Saddle Rock said he didn't oppose the application but the neighbors had a meeting where Redniss made a presentation and they have funded a study – about what might be done about coastal flooding. Mr. Michelson asked if the study was being done in conjunction with the current application. Mr. Chrust said no; no building heights were involved.

Daniel Benjamin, attorney representing 102 Saddle Rock said this property was destroyed by the storm and the owners were uncertain if this zone change would make them nonconforming which would be a problem for them. The homeowners need time to evaluate the proposal and asked the Board for a continuation.

Rachel Rangelov, 75 Saddle Rock, lost their home in hurricane of 2010 and they needed to rebuild their house and had to go before the ZBA for approval. She cannot support a change that impacts and imposes restrictions on multiple properties but she would support a variance before the ZBA for this one specific neighbor.

Kathleen Murphy, 68 Saddle Rock said not enough thought went into the proposed zone change. She doesn't want to see rezoning as a solution for one property especially since it will affect other properties and relief exists through ZBA.

Mr. Mills asked Mr. Redniss to address some of these neighbor issues. Rick Redniss pointed out that the City has a system in place to review CAM applications by City Departments, specifically EPB through Rick Talamelli and City Engineering through Susan Kiskien, which thoroughly reviews all coastal impacts and the issues being raised at this hearing. Those are handled when the site plan is submitted and would not affect this zone change request.

Mr. Michelson asked if anyone would be hurt in the process. Mr. Redniss said no, in fact, they'd be helped by RA-1 giving them an additional 5 feet.

Mr. Mills continued the Public Hearing on this application to January 6, 2014 at 7:00pm on the 4<sup>th</sup> floor to allow the Applicant time to respond to the neighbors.

Mr. Mills called a recess at 10:40pm and reconvened the meeting at 10:45pm.

### **REGULAR MEETING**

#### **APPROVAL OF MINUTES:**

Mr. Michelson made a motion to change the order of the agenda, seconded by Ms. McManus and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Gwozdzowski).

#### **PENDING APPLICATIONS:**

1. **Application 213-30 – BBSF, LLC & AFFORDABLE HOUSING DEVELOPMENT COMPANY, LLC**, 695 Atlantic Street, Final Site & Architectural Plans and/or Requested Uses and Coastal Site Plan Review

Ms. McManus made a motion to continue discussion of this application to the next meeting of December 9, 2013 at 7:00pm on the 7<sup>th</sup> floor Land Use Conference Area, seconded by Mr. Michelson and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Gwozdzowski).

2. **CSPR-944 – SILVER, 298 Ocean Drive East**, to reconstruct a wall, steps and slope revetment damaged during Hurricane Sandy in a coastal flood hazard zone at 298 Ocean Drive East (*continued from November 25, 2013*).

Mr. Morris made a motion to approve the application after receipt of the Engineering Department referral comments, seconded by Ms. McManus and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Gwozdzowski).

#### **OLD BUSINESS**

1. **Application 208-05 ANTARES HARBOR POINT**, General Development Plan, Condition #7, 14 Acre Working Boatyard and Full Service Marina status updates, Cease & Desist Order and requested items.

Mr. Mills said the Board had received documents just before the meeting and asked Attorney Freeman to review them.

Attorney Freeman said Norman Cole suggested he speak to Rick Talamelli (custodian of escrow account for the City) about a Bond. Mr. Talamelli wanted 3 months of operating expenses which is approximately a \$60,000 bond, and BLT agrees to these terms.

Attorney Freeman submitted an email that the Jitney bus company, Hometown Trolley, can begin to deliver the buses on time. The 4 trolley's would then need to be tested and they anticipate delivery one at a time; one a week starting February 14, 2014.

Mr. Mills asked about the Jitney Service marketing plan. Attorney Freeman received Norman Cole's comments today and he hadn't had a chance to share them with DSSD. Mr. Morris wanted to review the Board's conditions and suggested if the Jitney wasn't running by a drop dead date, BLT would agree that the City could issue a stop work order.

Mr. Mills suggested an increase in the Bond from \$60,000 to \$120,000 to cover additional months of delay. Discussion of a daily fine or stop work order (penalty versus bond) if BLT work was not performed by a specific date. Mr. Michelson suggested the question be poised to the City Legal Department for an opinion. Mr. Mills recapped the outstanding issues and asked Attorney Freeman to report back at the next meeting on the following: 1) Details of a marketing plan to be prepared and date disseminated, 2) jitney company report of delivery of trolleys, 3) Mani Poola approval of Jitney route bus stops, 4) conditions of stop work order or bond and City's Legal Opinion of how Zoning Board can proceed.

Mr. Mills asked about Rob Danielson not being present and the report of materials moved off-site. Attorney Freeman said the Board should reach out to Jeff Wilcox who would be an independent verification. Mr. Killeen tried to reach out to Mr. Wilcox and had not received word back as of the start of the meeting. Mr. Michelson asked where BLT stood with remediation. Discussion of seven hot spots and when BLT anticipates they will start up the remediation again. Attorney Freeman said they anticipate getting the grant and much of the remediation has been done already. Mr. Mills asked about a boatyard plan. Attorney Freeman said their application needs to be reviewed by the current administration and the new Mayor was just sworn in today.

#### **NEW BUSINESS**

Discussion of clerk taking minutes of Zoning Board meetings. Staff will inquire about funding. Mr. Mills asked if tape of minutes could be uploaded to the website. Mr. Mills asked Mr. Killeen to consult with Norman Cole.

Ms. McManus noted that the 2014 Zoning Board calendar of meetings reflects a lack of Public Hearings in January. Discussion of meeting locations and how to load the weekly agenda. Mr. Mills suggested the Board set cutoff deadlines for materials.

#### **APPROVAL OF MINUTES:**

##### **Minutes of November 25, 2013**

Mr. Mills tabled discussion of the minutes until the next meeting.

#### **ADJOURNMENT**

Mr. Mills adjourned the meeting at 11:35pm.

Respectfully submitted,

Barry Michelson, Secretary  
Stamford Zoning Board